

REMARKS

Claims 1, 3-8, and 10-20 are pending. Of these, claims 16-20 are indicated as withdrawn. By this Amendment, the title is amended. No new matter is added.

The title is Amended in view of the Examiner's indication on page 3, item 4 of the Office Action.

It is respectfully submitted that entry of the amendments is proper as 1) the amendments are made to revise the title, and 2) the amendments present the claims in better form for appeal. The amendments do not raise new issues requiring more than nominal consideration by the Examiner.

For the following reasons, reconsideration is respectfully requested.

RESTRICTION/ELECTION

On page 2, item 2 of the Office Action, claims 16-20 newly presented in the November 9, 2006 Amendment are indicated as withdrawn as allegedly directed to independent or distinct invention on the basis of being "clearly different with the original claims."

It is respectfully submitted that the basis given to withdraw claims 16-20 is not proper. Specifically, the Office Action fails set forth reasons to require the restriction other than the conclusory statement that the withdrawn claims are "clearly different with the original claims." However, the Office Action fails to provide evidence of such a difference.

Further, even if the two sets of claims are directed to distinct inventions, MPEP §803 sets forth the criteria for restriction between such patentably distinct inventions. (A) thereof indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) thereof indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02) (emphasis added). Not only has the Office Action failed to set forth evidence of patentably distinct inventions, the Office Action has also failed to set forth why there would be a serious burden to require restriction of the claims.

Accordingly, it is respectfully submitted that the withdrawal of claims 16-20 is improper, especially in view of the additional expense and delay to Applicants in having to protect the additional subject matter recited by the claims 16-20 by one or more divisional applications.

Rejoinder of claims 16-20 is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112:

On page 3, item 5 of the Office Action, claims 1, 3-8, and 10-15 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The rejection is respectfully traversed.

Regarding claims 1, 3-8, 10, and 11, the Specification at paragraph [0022], for example, fully sets forth the claimed invention and provides the necessary written description to show the Applicants had possession of the invention.

For example, claim 1 recites that one of the plurality of write protection statuses indicates a size of a write protected area and a size of a non-write protected area of the data zone of the write protected optical storage medium, and claim 8 recites that a write protection information is recorded in at least one of the lead-in area and the lead out area to indicate a size of a non-write protected area of the data zone of the write protected optical storage medium.

The claim features are supported by paragraph [0022], for example, because as written therein, “write protection information permitting defect management” indicates that defects occurring when recording or reproducing data can be managed by indicating that the defect management zone 10c, the inner spare area 20a or the outer spare area 20b, the drive test zone 10b, and/or the disc identification zone 10e are recordable (i.e., not write protected), while user data area 20b is not recordable (i.e., write protected). Because the “write protection information permitting defect management” indicates which of the areas are write protected areas and which of the areas are non-write protected areas among the various areas of the data zone, the “write protection information permitting defect management” indicates the amount, and hence, the size of the write protected area and the non-write protected area of the data zone of the write protected optical storage medium of claim 1, and a size of a non-write protected area of claim 8. Accordingly, the Specification provides ample written description for the claim features.

Regarding claims 12-15, the Specification at paragraph [0022], for example, fully sets forth the claimed invention and provides the necessary written description to show the Applicants had possession of the invention.

For example, claim 12 recites that one of the statuses is to allow defect management of

a write protected optical storage medium using a non-write protected area of the optical storage medium. The claim feature is supported by paragraph [0022], for example, because as written therein, "write protection information permitting defect management" indicates that defects occurring when recording or reproducing data can be managed by indicating that the inner spare area 20a or the outer spare area 20b, among others, are recordable (i.e., not write protected). Accordingly, the Specification provides ample written description for the claim features.

The Specification also fully sets forth the claimed invention and provides the necessary written description to show the Applicant had possession of the invention as defined in pending dependent claims 3-7, which depend from claim 1, claims 10 and 11, which depend from claim 8, and claims 13-15, which depend from claim 12.

Withdrawal of the rejection is respectfully requested.

DOUBLE PATENTING REJECTIONS:

On page 5, item 7 of the Office Action, claims 1, 3-8, and 10-15 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 7,142,495 (U.S. Patent Application No. 10/630,922).

On page 5, item 8 of the Office Action, claims 1, 3-8, and 10-15 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 - 15 of U.S. Patent No. 6,862,256 (U.S. Patent Application No. 10/630,834).

On page 5, item 9 of the Office Action, claims 1, 3-8, and 10-15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending U.S. Patent Application No. 11/235,294.

On page 5, item 10 of the Office Action, claims 1, 3-8, and 10-15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of co-pending U.S. Patent Application No. 11/429,337.

On page 6, item 11 of the Office Action, claims 1, 3-8, and 10-15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-23 of co-pending U.S. Patent Application No. 11/235,295.

For the provisional double patenting rejections, it is believed that any submission of a

Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature. MPEP 804(I)(B).

With regards to U.S. Patent Nos. 7,142,495 and 6,862,256, it is respectfully submitted that claims 1, 8, and 12 of this Application are non-obvious over the noted various claims of the applied U.S. Patents. For example, the applied U.S. Patents do not claim a size of a non-write protected area of the data zone, as recited in claims 1 or 8, or allow defect management of a write protected optical storage medium using a non-write protected area of the optical storage medium, as recited in claim 12. Pending dependent claims 3-7, which depend from claim 1, claims 10 and 11, which depend from claim 8, and claims 13-15, which depend from claim 12, are likewise non-obvious over the noted various claims of the applied co-pending and issued applications for at the reason discussed above, and for the additional features they recite.

Withdrawal of the rejections is respectfully requested.

REJECTION UNDER 35 U.S.C. §102:

On page 6, item 14 of the Office Action, claims 1, 3-8, and 10-15 are rejected under 35 U.S.C. §102(b) as being anticipated by LEE et al. (European Patent Application No. 0 965 988 A2). The rejection is respectfully traversed.

It is respectfully submitted that Lee does not anticipate or render obvious an optical storage medium, wherein a write protection information is recorded in at least one of the lead-in area and the lead out area to indicate one of a plurality of write protection statuses of the optical storage medium, and one of the plurality of write protection statuses indicates a size of a write protected area and a size of a non-write protected area of the data zone of the write protected optical storage medium, as recited in claim 1.

Also, Lee does not anticipate or render obvious an optical storage medium wherein a write protection information is recorded in at least one of the lead-in area and the lead out area to indicate a size of a non-write protected area of the data zone of the write protected optical storage medium, as recited in claim 8.

Also, Lee does not anticipate or render obvious an optical storage medium, wherein a write protection information is recorded in at least one of the lead-in area and the lead out area to indicate one of a plurality of write protection statuses of the optical storage medium, one of the

statuses being to allow defect management of a write protected optical storage medium using a non-write protected area of the optical storage medium, as recited in claim 12.

That is, Lee does not disclose a non-write protected area of the user data area once Lee's disc is write protected, or one of the statuses being to allow defect management of a write protected optical storage medium using a non-write protected area of the optical storage medium. Instead, Lee simply discloses recording and storing write protection information in a disc definition structure (DDS) area of defect management areas (DMA) (see for example, page 6, paragraph [0057] at lines 1-3 of Lee). The write protection information of Lee indicates a "hard" write protection that applies write protection to the entire disc so that even the lead-in and lead-out areas of the disc are not accessible and the disc is not restorable to a rewritable state (see, page 7, paragraph [0060] of Lee), and a "soft" write protection that does not apply the write protection to the DMA area so that the level of write protection can be changed (see, page 7, paragraph [0060] of Lee). Both the hard and soft write protections of Lee do not indicate whether there is a non-write protected area in the data zone once the disc is write protected, or whether defect management of a write protected optical storage medium is possible using a non-write protected area of the optical storage medium.

Additionally, the various DMAs are in the lead-in and lead-out areas of the disc, as shown in FIG. 2 of Lee. The write protection information is indicated in the DDS by byte position 3 (BP3) that contains a disc certification flag, and by byte positions 16-39 (BP16-BP39) that contain a group certification flag (as respectively shown FIGS. 3A and 3B, and page 6, paragraphs [0055] and [0056] of Lee). Each of the disc and group certification flags may store write protection information (FIGS. 4A and 4B, and page 6-7, paragraphs [0057]-[0058] of Lee). However, they do not indicate whether there is a non-write protected area in the data zone once the disc is write protected, or whether defect management of a write protected optical storage medium is possible using a non-write protected area of the optical storage medium.

Accordingly, Lee does not anticipate all of the features of claims 1, 8, and 12. Claims 3-7, which depend from claim 1, claims 9-11, which depend from claim 8, and claims 13-15, which depend from claim 12, are likewise patentable over the applied reference to Lee for at least the reasons discussed above, and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

RESPONSE TO EXAMINER'S RESPONSE:

Regarding Examiner's response, the Applicant relies on the remarks submitted above.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 5/11/2007

By: Seth S. Kim
Seth S. Kim
Registration No. 54,577

1400 Eye St., N.W.
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510